

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0672-03  
Bill No.: SB 95  
Subject: Agriculture and Animals; Agriculture Dept.  
Type: Original  
Date: January 26, 2011

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Bill Summary:           Modifies the Puppy Mill Cruelty Prevention Act.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	(\$156,498)	(\$312,994)	(\$312,994)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$156,498)</b>	<b>(\$312,994)</b>	<b>(\$312,994)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	4 FTE	4 FTE	4 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>4 FTE</b>	<b>4 FTE</b>	<b>4 FTE</b>

☒ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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## **FISCAL ANALYSIS**

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### **ASSUMPTION**

Officials at the **Department of Agriculture** state the proposed legislation, while amending the Animal Care Facilities Act and referencing "dog facilities", may be interpreted to affect private pet owners. As such, it would have an affect on local police or animal control agencies. The legislation would require dog facilities with more than ten female dogs to meet an additional standard of care and thus increase costs.

The additional requirements of this proposed legislation would significantly increase program responsibilities and could not be accomplished without additional staff and funding. The Department of Agriculture requests one Office Support Assistant who would provide program support to the Program Coordinator and Animal Health Officers (AHO) related to program records on licensed facilities and direct inquiries on licensed and non-licensed facilities to the appropriate field staff. Twelve Animal Health Officers responsible for the enforcement of proposed legislation. Conduct investigations of alleged violations of the proposed legislation. Work with program participants, general public; inspect commercial breeders, pet shops, kennels, animal shelters, and related facilities for proper licensure and compliance with animal care statutes and regulations.

Officials at the **Department of Agriculture** stated inspections are currently done on 1,390 commercial breeders and 1,341 other dog related facilities. Twelve Animal Health Officers currently inspect all of these facilities. The Department of Agriculture estimates this proposal would add an average of 10 private citizens with 10 or more female dogs per county. The department estimates 1,150 additional non-licensed and unregistered private citizens would be subject to this proposal, however the exact number is unknown.

**Oversight** assumes this proposed legislation will make animal care standards applicable to anyone in the state who has more than 10 female dogs over 6 months of age, including private citizens, commercial dog breeders, pet shops, animal shelters, and other dog related businesses.

ASSUMPTION (Continued)

**Oversight** assumes the estimated costs of implementing Section 273.345 RSMo. (Proposition B, 2010) that were submitted to the State Auditor, in December of 2009, were as follows.

7.00 Animal Health Officers (AHO) * \$35,000 average annual salary =	\$245,000
1.00 Office Support Assistant	\$28,789
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Total Personal Services	\$273,789
Travel, In-state (7.00 AHO)	\$49,000
Supplies (7.00 AHO)	\$7,000
Communication Services (8.00 FTE)	\$4,000
M&R Services (7.00 AHO)	\$5,250
Motorized Equipment (7.00 AH)	\$124,943
Laptops and Printers (8.00 FTE)	\$12,704
Miscellaneous Expenses (8.00 FTE)	\$6,000
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Total Expense & Equipment	\$208,897
Grand Total Annual Program Costs (excl. fringe benefits)	\$482,686

**Oversight** has calculated the fringe rate on the 8 FTE listed by the Department of Agriculture to be \$143,301. Oversight assumes with the passage of Proposition B that the Department of Agriculture will receive the 8 requested FTE and therefore those FTE are not shown in this fiscal note. Oversight is showing the additional 4 FTE requested.

**Oversight** assumes that Section 273.345 becomes effective November 2, 2011. For the purpose of the fiscal note Oversight has shown the costs for 8 months in FY12.

**Oversight** notes the Department of Agriculture has currently not requested these FTE in their FY12 budget request.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the

ASSUMPTION (Continued)

office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials at the **Office of the Attorney General** states that costs which may arise from this proposal are unknown, but AGO assumes that any potential costs can be absorbed with existing resources. If AGO receives multiple referrals, AGO may seek additional appropriations to handle the increase in caseload.

Officials at the **Office of State Courts Administrator, Office of Prosecution Services, State Public Defender's Office** assumes there is no fiscal impact from this proposed legislation.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (8 Mo.)	FY 2013	FY 2014
<b>GENERAL REVENUE FUND</b>			
<u>Cost - Dept. of Agriculture</u>			
Personal Service	(\$91,263)	(\$136,895)	(\$136,895)
Fringe Benefits	(\$47,767)	(\$71,651)	(\$71,651)
Equipment & Expense	(\$69,633)	(\$104,449)	(\$104,449)
Total Cost - AGR	<u>(\$156,498)</u>	<u>(\$312,994)</u>	<u>(\$312,994)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(\$156,498)</u></b>	<b><u>(\$312,994)</u></b>	<b><u>(\$312,994)</u></b>
Estimated Net FTE Change for General Revenue Fund	4 FTE	4 FTE	4 FTE

FISCAL IMPACT - Local Government

FY 2012  
(8 Mo.)

FY 2013

FY 2014

\$0

\$0

\$0

FISCAL IMPACT - Small Business

Direct fiscal impact to small commercial dog breeders, pet shops, kennels, animal shelters, and related facilities would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act modifies the Puppy Mill Cruelty Prevention Act. Under current law, the provisions of the Puppy Mill Cruelty Prevention Act apply only to commercial dog breeders with over 10 breeding females. This act makes the animal care standards applicable to anyone in the state who has more than 10 female dogs over 6 months of age.

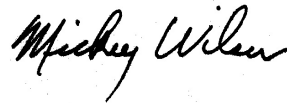
Current law prohibits anyone from having more than 50 dogs when the purpose is to breed them and sell the resulting puppies. The act removes the purpose criteria and instead just prohibits anyone from having more than 50 dogs that are over 6 months of age.

The act modifies the title of the act by referring to it as the Puppy Cruelty Prevention Act, modifies the definition of "covered dog", and removes the definition of "pet." Under current law, animal shelters are exempt from the requirements of the Puppy Mill Cruelty Prevention Act. This act removes that exemption.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Agriculture  
Office of the Attorney General  
Office of State Courts Administrator  
Office of Secretary of State  
State Public Defender's Office  
Office of Prosecution Services

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
January 26, 2011